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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 FEB -5 PM 3:18

JEANNE HICKS, CLERK

BY: Heather Figueroa

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
12 IN AND FOR THE COUNTY OF YAVAPAI

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 STEVEN CARROLL DEMOCKER,

17 Defendant.

) No. P1300CR20081339

) Div. 6

) **MOTION FOR RELEASE OF**
) **MEDICAL RECORDS**
) **PURSUANT TO A.R.S. § 12-**
) **2294.01**

18
19
20 **MOTION**

21 Mr. DeMocker, by and through counsel, hereby requests that this Court order the
22 release of medical records for James Ralph Knapp to Mr. DeMocker's defense team.

23 The State has disclosed evidence that Mr. Knapp was previously or at the time of
24 his death addicted to drugs. He had multiple substances in his system at the time of his
25 death. Additionally Mr. Knapp was being treated for cancer but was believed to have
26 been cancer free at the time of his death.
27
28

1 Mr. Knapp, who lived just yards from the murder scene, was the first person to
2 show up after the Yavapai County Sheriff's deputies arrived and he is alleged to have
3 committed suicide about six months after Ms. Kennedy's death. Mr. Knapp had
4 unrestricted access to the crime scene before it was fully processed and repeatedly lied
5 to the police about his knowledge of and interactions with Mr. DeMocker. The
6 information is relevant and material to Mr. DeMocker's defense and he has no other
7 way to access the information without the issuance of a court order pursuant to A.R.S. §
8 12-2294.01. Mr. DeMocker has a due process right, under the federal and Arizona
9 constitutions, to present a defense. *Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct.
10 1038, 35 L.Ed.2d 297 (1973).

11 Defendant Steven DeMocker, by and through counsel, hereby moves this Court
12 to order the Mayo Clinic to provide medical records of James Ralph Knapp no later than
13 10 days following entry of the Court's order.

14 **Description of Requested Disclosure**

15 Complete Medical Record(s) (as defined by A.R.S. §12-2291, *et seq.*)
16 Discharge Summary
17 Laboratory Reports
18 Emergency Medicine Reports
19 Billing Statements
20 Dental Records
21 History & Physical Exams
22 Pathology Reports
23 Operative Reports
24 Diagnostic Imaging Reports
25 EKG
26 Radiology Reports
27 Consultation Reports
28 Progress Notes
Outpatient Clinic Records
Physical Therapy Records
X-ray images/films
Pharmacy Records/Profiles

1 Insurance Claims Records

2 Photographs, videotapes, digital, other images

3 All films, complete file, including history, results, notes, messages, phone calls

4 Information pertaining to drug and alcohol abuse diagnosis or

5 Information pertaining to mental health diagnosis or treatment

6 These documents are requested for any and all time frames.

7 **CONCLUSION**

8 Defendant Steven DeMocker, by and through counsel, hereby requests that this
9 Court order the Mayo Clinic in Arizona to provide these records to Mr. DeMocker's
10 defense team no later than March 1, 2010.

11 DATED this 5th day of February, 2010.

12 By: 

13 John M. Sears

14 P.O. Box 4080

15 Prescott, Arizona 86302

16 OSBORN MALEDON, P.A.

17 Larry A. Hammond

18 Anne M. Chapman

19 2929 N. Central Avenue, Suite 2100

20 Phoenix, Arizona 85012-2793

21 Attorneys for Defendant

22 **ORIGINAL** of the foregoing filed
23 this 5th day of February, 2010, with:

24 Jeanne Hicks

25 Clerk of the Court

26 Yavapai County Superior Court

27 120 S. Cortez

28 Prescott, AZ 86303

COPIES of the foregoing hand delivered
this 5th day of February, 2010, to:

The Hon. Thomas B. Lindberg

1 Judge of the Superior Court
2 Division Six
3 120 S. Cortez
4 Prescott, AZ 86303

5 Joseph C. Butner, Esq.
6 Prescott Courthouse basket

7 Mayo Clinic
8 Medical Records Department
9 5777 East Mayo Blvd
10 Phoenix AZ 85054

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